

FEB 18 2015

Div. of Oil, Gas & Mining

February 17, 2015

April Abate, Paul Baker
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-84093

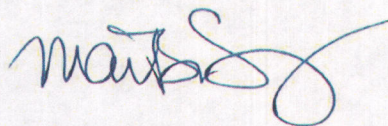
RE: M/047/0120 – TomCo Large Mining Operation - Wildlife Mitigation Plan language

Dear April and Paul,

The Division of Oil, Gas and Mining (DOGM) provided notice of tentative approval of TomCo's Notice of Intent to commence Large Mining Operations (LMO) at the Holliday Block in Uintah County, UT, on October 10, 2014. The public comment period for this tentative approval ended November 21, 2014. On December 17, 2014, DOGM sent a letter to TomCo explaining that the Public Lands Policy Coordination Office (PLPCO) submitted a comment letter stating that the Utah Division of Wildlife Resources (UDWR) identified the TomCo project area as being within crucial winter habitat for both mule deer and elk. UDWR was concerned that mining activity would create unavoidable impacts to wildlife and requested that a mitigation plan be developed. DOGM requested that TomCo review the PLPCO letter and provide appropriate changes to the LMO to address UDWR's concerns. TomCo consulted with UDWR in Vernal and Salt Lake and, with UDWR input, developed language that addresses wildlife impact mitigation. This language is included in the enclosed revised pages of the LMO (pages 55, 55a, and 55b). A form MR-REV is included on the following page to help track this submittal.

Thank you for your attention to this correspondence. Please contact me via email at msawyer@lowhamwalsh.com or by phone at 801-561-1036 x 6256 (office) or 307-349-3499 (cell) if you have any questions or concerns.

Sincerely,



Marit Sawyer
Senior Scientist
Lowham Walsh LLC

enclosures: Revised LMO pages - wildlife mitigation

xc: Paul Rankine, Miikka Haromo – TomCo – w/ encl
Fran Amendola – Option A Consulting – w/ encl
Jason Moretz, Andy Strike – Lowham Walsh LLC – w/ encl

Application for Mineral Mine Plan Revision or Amendment

Operator: <u>TomCo</u>	
Mine Name: <u>Holliday Block</u>	File Number: <u>M/047 /0120</u>

Provide a detailed listing of all changes to the mining and reclamation plan that will be required as a result of this change. Individually list all maps and drawings that are to be added, replaced, or removed from the plan. Include changes of the table of contents, section of the plan, pages, or other information as needed to specifically locate, identify and revise or amend the existing Mining and Reclamation Plan. **Include page, section and drawing numbers as part of the description.**

DETAILED SCHEDULE OF CHANGES TO THE MINING AND RECLAMATION PLAN			DESCRIPTION OF MAP, TEXT, OR MATERIALS TO BE CHANGED
<input type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input checked="" type="checkbox"/> REMOVE	<u>Page 55</u>
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	<u>Page 55, 55a, 55b</u>
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I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments and obligations, herein.

Marit Sawyer
Print Name

Marit Sawyer, consultant
Sign Name, Position
2/17/15
Date

Return to:

State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Phone: (801) 538-5291 Fax: (801) 359-3940

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FOR DOGM USE ONLY:	
File #: <u>M/</u> / <u> </u>	
Approved: _____	
Bond Adjustment: from (\$) <u> </u>	
to \$ <u> </u>	

Mining operations, including blasting, described below, will be conducted in compliance with all applicable MSHA and Occupational Safety and Health Administration and safety regulations for the project.

Blasting Safety

Details of the blasting program are provided in **Section 106.2**. Blasting will be conducted in accordance with the Bureau of Alcohol, Tobacco, Firearms, and Explosives regulations that govern the storage, handling, and use of explosives. In addition, all applicable requirements of the State of Utah that address public health and safety will be met. Access to blasting areas will be properly marked and controlled to limit access to these areas by workers and the general public. Signs will be placed along Atchee Ridge Road, Fuller's Road, and/or Wolf's Den Road to alert people to impending blasting activities within 2 hours of commencing blasting when these areas are within 2,000 feet of a planned blast.

109.5: Actions to Mitigate any Referenced Impacts

Wildlife

The TomCo project area is located within critical winter habitat for mule deer (*Odocoileus hemionus*) and elk (*Cervus canadensis*). To minimize adverse impacts to these species caused by mining disturbance, TomCo will develop a wildlife mitigation plan (Plan) in cooperation with the Utah Division of Wildlife Resources (UDWR). The initial phase of the Plan will be finalized and ready for implementation prior to the commencement of significant ground-disturbing activities (i.e. road improvement, excavation for facilities or pits, etc.). A cooperative agreement among the involved parties will be executed at the time the Plan is finalized, as a vehicle for putting the Plan into action.

TomCo is working cooperatively with UDWR to identify specific locations and ways in which adverse impacts to mule deer and elk related to TomCo's mining operations and associated activities can be avoided, minimized or mitigated.

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Because factors such as wildlife populations, forage production, weather, UDWR management objectives, and land use by other parties all vary over time, mitigation planning will proceed in phases. The initial wildlife mitigation plan will cover a five-year development horizon that begins when ground disturbing activities commence. The Plan will include provisions for evaluating the effectiveness of mitigation work, so that subsequent phases can be adaptive in response to what is learned during mitigation practice.

Different landscapes have different habitat values. While the project area generally contains valuable habitat and forage areas (i.e., swales and small drainages in side-slopes), some areas within the roughly 1,200 acre TomCo project area provide little cover or forage value for deer and elk (i.e., bald ridgetops). As part of Plan development, project areas will be cooperatively assessed to assign a habitat value to each acre.

Mitigation projects vary in their value to wildlife: some off-site mitigation projects may cover a small number of acres but improve habitat over a large number of acres. An example would be providing water collection structures (i.e., guzzlers, surface collection basins/sumps, etc.) in an area with forage but no water, or opening up portions of woodland to improve forage opportunities while maintaining cover values over a large area. TomCo and UDWR will include in the Plan a generalized mitigation value, in acres, for a range of potential mitigation activities to be conducted.

The need for further mitigation work during subsequent five-year periods will be determined jointly by TomCo and UDWR based on the progress or success of completed mitigation work, the number of acres planned for disturbance at TomCo during the next five-year period, and the habitat quality of those acres. As a starting assumption, both parties agree that an acre of directly impacted wildlife habitat results in a project-related need to mitigate a like amount of wildlife habitat in the Book Cliffs/Tavaputs Plateau area. Specific amounts, costs, and locations for compensatory mitigation will be jointly agreed to by the parties to the cooperative agreement which will guide implementation of the Plan.

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Cultural/Historic Resources

TomCo completed a cultural resources inventory in 2013. No significant cultural resources were identified (Cardno-ENTRIX 2013b). The cultural resources report was submitted to SITLA and the State Historic Preservation Officer (SHPO) for review and comment September 2013. SITLA provided clearance for TomCo's proposed Small Mine Operation and is currently reviewing the cultural resources report to determine if the entire LMO PA can be cleared. No comments have been received from SHPO as of January 2, 2014. The Executive Summary of the Cultural Resources Report is provided in **Appendix G.**

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